

Notice of Allowability

Application No.

09/553,966

Examiner

Justin M Philpott

Applicant(s)

WARD, KENNETH A.

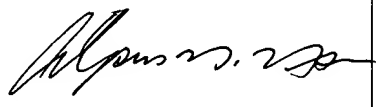
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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Appeal Brief, filed January 13, 2005.
2. ☒ The allowed claim(s) is/are 1-38.
3. ☒ The drawings filed on 09 January 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).


ALPUS H. HSU
PRIMARY EXAMINER

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see pages 7-34 (particularly, pages 7-10 and 18-22), filed January 13, 2005, with respect to claims 12-38 have been fully considered and are persuasive. The rejection of claims 18-23 and 25-28 under 35 U.S.C. as being anticipated by Christensen et al., and claims 12-17, 24 and 29-38 under 35 U.S.C. 103(a) as being unpatentable over Christensen, has been withdrawn.

Allowable Subject Matter

2. Claims 1-38 are allowed.
3. The following is an examiner's statement of reasons for allowance:
4. Claim 1 is allowed for reasons discussed in applicant's remarks (January 9, 2004, pages 15-16) and in a previous office action (March 22, 2004, page 3). Claims 2-11 depend upon claim 1 and are allowed for the same reasons as discussed above regarding claim 1.
5. Claim 12 is allowed for reasons discussed in applicant's remarks (January 13, 2005, pages 18-22). Claims 13-17 depend upon claim 12 and are allowed for the same reasons as discussed above regarding claim 12.
6. Claim 18 is allowed for reasons discussed in applicant's remarks (January 13, 2005, pages 7-10). Claims 19-28 depend upon claim 18 and are allowed for the same reasons discussed above regarding claim 18.

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7. Claim 29 is allowed for reasons discussed in applicant's remarks (January 13, 2005, pages 26-27).
8. Claim 30 is allowed for reasons discussed in applicant's remarks (January 13, 2005, pages 27-29).
9. Claim 31 is allowed for reasons discussed in applicant's remarks (January 13, 2005, page 29). Claims 32-38 depend upon claim 31 and are allowed for the same reasons discussed above regarding claim 31.
10. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

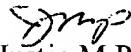
Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin M Philpott whose telephone number is 571.272.3162. The examiner can normally be reached on M-F, 9:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D Vu can be reached on 571.272.3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Justin M Philpott



**ALPUS H. HSU
PRIMARY EXAMINER**